UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF LOUISIANA

SHREVEPORT DIVISION

UNITED STATES OF AMERICA	CRIMINAL NO. 04-50114
	[CIVIL NO. 06-629]
VERSUS	JUDGE HICKS
ANTHONY M. GONZALES	MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is ANTHONY M. GONZALES's "Motion Under 28 U.S.C. § 2255 to Vacate Set Aside, or Correct Sentence by a Person in Federal Custody." [Criminal Document No. 37]. Within his supporting memorandum, Petitioner argues that his "time served" was computed improperly. A Section 2255 motion is the appropriate vehicle for collaterally attacking the validity of a conviction and sentence, not attacking the "computation of sentence." United States v. Cleto, 956 F.2d 83, 84 (5th Cir. 1992). Petitioner's claim for credit for time served addresses the computation and execution of his sentence rather than the sentence itself and should be addressed in a petition under 28 U.S.C. § 2241. Ojo v. I.N.S., 106 F.3d 680, 683 (5th Cir. 1997). Accordingly, the Court is construing Petitioner's motion as a petition pursuant to Section 2241. However, the district of incarceration is the only district that has jurisdiction to entertain a Section 2241 claim. See Hooker v. Sivley, 187 F.3d 680, 682 (5th Cir. 1999). Since Petitioner was incarcerated in Indiana at the time he filed his Petition, this Court is without jurisdiction over that claim.

Accordingly, for the foregoing reasons:

IT IS ORDERED that the Clerk of Court re-characterize Petitioner's Section 2255 motion [Doc. No. 37] as a Petition pursuant to 28 U.S.C. § 2241.

Pursuant to the authority granted in 28 U.S.C. § 1406, **IT IS FURTHER ORDERED** that the Clerk of Court **TRANSFER** the Petition pursuant to 28 U.S.C. § 2241 to the United States District Court for the Southern District of Indiana, Terre Haute Division, which is the district where Petitioner is incarcerated.

THUS DONE AND SIGNED, in Shreveport, Louisiana, on this15th day of June, 2006.

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S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE